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**Date:** March 13, 2008

**To:** WDB Directors  
Job Service Directors and Supervisors

**From:** Gary Denis, Bureau Director *Gary Denis*  
Bureau of Workforce Training, Division of Employment and Training

**Subject:** **State Policy 08-02 on Workforce Investment Act Title I Waiver Process and Waiver Plan Requirements**

### **Purpose**

This policy describes the process for Workforce Development Boards (WDBs) to use to submit Workforce Investment Act Title I (WIA) waiver plans to the Department of Workforce Development for submittal to the U.S. Department of Labor (DOL). It also identifies the elements that must be addressed in a waiver plan.

### **Background**

The WIA provides continuing authority for the DOL to grant waivers to states in implementing reforms to the workforce development system in exchange for state and local accountability for results, including improved program outcomes. The waiver authority also provides an opportunity for the state and Workforce Development Areas (WDAs) to continue to organize services for an improved infrastructure that enhances the training and employment opportunities for adults, dislocated workers and youth.

### **Legislative/Regulatory References**

- WIA of 1998, 189(i)(4) PL 105-220
- 20 CFR § 661.400- 661.420

## **Policy on Waiver Process and Waiver Plan Requirements**

### **Process Steps**

WDBs may submit a waiver plan to the Department of Workforce Development, Division of Employment and Training (DET) at any time during the program year. Boards may also request waivers through the local plan process. WDBs may explore waivers informally with DET prior to submitting a formal waiver plan. If a WDB intends to develop a waiver plan, they must notify DET and all other WDB Executive Directors of their intentions in order to promote statewide coordination and possible inclusion of other local areas in the plan.

1. WDBs will submit to DET their waiver plan which must include a detailed justification for the waiver and an implementation plan as required by the Act and this policy

2. DET will initiate the public review and comment period with assistance from the affected WDAs for regional public notification. The public review and comment period must provide for meaningful public comment by business, organized labor, public officials, community-based organizations and other stakeholders.
3. Within 30 days after the review and comment period, DET will:
  - a. submit the waiver plan from the Governor to DOL;
  - b. request WDB modification of the waiver plan; or
  - c. not transmit the waiver plan to DOL, and provide a letter of explanation to the WDB. DET may convey the issue of concern to DOL for future consideration.
4. Upon receipt of the state's waiver plan the DOL has 90 days to review the proposal and notify the state of its approval or disapproval.
5. Modifications to the local or state plan(s) may be required if DOL approves the waiver plan request. DET will notify the WDB(s) of the DOL decision as well as any required modifications.

### **Required Waiver Plan Elements**

The following information must be substantively addressed in the waiver plan:

- Identify the statutory or regulatory requirements that are requested to be waived, the goals that the WDB(s) (or state) intends to achieve as a result of the waiver, and how those goals relate to the strategic plan goals;
- Describe the actions that the local area(s) (or state) has undertaken to remove state or local statutory or regulatory barriers;
- Describe the goals of the waiver and the expected programmatic outcomes if the waiver plan is approved. Specify how the success and/or progress on outcomes will be measured or determined, including how the baseline will be/has been established and what data sources will be used;
- Describe the individuals affected by the waiver;
- Describe the process that will be used to monitor implementation such a waiver; and
- Describe the process the WDB(s) and DET used to post public review and comment notices that ensure meaningful public comment. Include all comments received on the requested waiver(s), and modify the waiver plan as appropriate in response to the public input.

Where documentation (e.g. statistical information, reports, focus groups) is available, it should be referenced to correspond with statements made in the waiver plan. The attached check-list is used by DET Bureau of Workforce Training to verify that the submitted waiver plan contains all of the required elements.

**ASSET Reporting:** This policy does not require changes in ASSET reporting requirements.

**Action Required:** The policy is effective with this issuance. Any WDB wishing to request a waiver must follow the policy described herein.

*Note:*

*This policy is available at: <http://dwd.state.wi.us/dwdwia/policy.htm>*

### WAIVER PLAN REVIEW CHECK LIST

Workforce Development Area(s):

Waiver Issue:

Requirements for Waiver Plan	Included in waiver Y/N		Comments	Page of State or Local Plan
Does the waiver plan identify the statutory or regulatory requirements for which the waiver is requested?				
Does the waiver plan identify the goals that local area intends to achieve as a result of the waiver and how those goals relate to the Strategic Plan goals?				
Does the waiver plan describe the actions the state/local area has undertaken to remove State or local statutory/regulatory barriers?				
Does the waiver plan describe the goals of the waiver with expected program outcomes?				
Does the waiver plan describe the individuals affected by the waiver?				
Does the waiver plan describe the process(s) used to monitor the progress in implementing the waiver?				
Does the waiver plan describe the process used to ensure meaningful public input and the review and comment period?				
Does the waiver <u>impede</u> the ability of either the State or local area(s) to implement the State's plan to improve the statewide workforce investment system?				